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Disparities in U.S. Elementary and Secondary Education

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Introduction

In the 2014-15 school year, in Massachusetts, the amount of money spent on each student varied vastly by district, ranging from the lowest \$10,400 in East Bridgewater to the highest \$27,569 in Cambridge (Massachusetts Department of Elementary and Secondary Education, 2016). At the national level, state average spending per pupil for Fiscal Year 2014 in elementary and secondary education was lowest in Utah at \$6,546 and highest in the District of Columbia at \$20,577 (National Center for Education Statistics, 2016). Ironically, for the same school year of 2013-14, the District of Columbia had a high school graduation rate of 61.4% (Office of the State Superintendent, n.d.), while Utah had a rate of 83% (Utah State Office of Education, 2015). Without unpacking these indicators, it is apparent that elementary and secondary public education in America is not the same for all students.

Beside expenditures and high school graduation rates, disparities in the public education system at the elementary and secondary level are also measured

in statistical terms of school readiness in young children, standardized test scores, advanced courses enrollment, high school dropout rates, school disciplinary actions, and college entrance and completion rates (Cook, 2015). Intersecting with poverty and racism, educational disparities disproportionately affect students of minority, ethnic, and racial backgrounds, creating a pervasive pattern in which African American, American Indian, Latinos, and Southeast Asian students underperform academically relative to their White American counterparts (American Psychological Association, 2012). According to Cook (2015), disparities begin in early childhood where only 78% of Black children ages 3-5 are read to three or more times a week compared to 91% of White children in the same age group. In preschool, while Black children make up only 18% of enrollment, they constitute 48% of children receiving out of school suspensions (U.S. Department of Education Office for Civil Rights, 2014). This disproportionate representation continues well into higher grade levels with Black students being expelled at a rate 3 times that of Whites. In the three decades since 1986, SAT scores in both mathematics and language arts for Black students have stayed consistently about 100 points lower than those of White students (National Center for Education Statistics, 2016). On the same note of academic achievement, Black and Hispanic students concentrated in urban schools are less likely than their White and Asian counterparts in suburban communities to have access to, enroll in, and perform well on Advanced Placement courses (Sablich, 2016). In 2014, Hispanic students were more than twice as likely to drop out of high school compared to White students (National

Center for Education Statistics, 2016). And while Black, White, and Hispanic students enroll in college at more or less comparable rates, White students earn bachelor degrees at a rate 2 times higher than Black students and 3 times higher than Hispanic students (Sabblich, 2016).

Even though education is acknowledged to be primarily a state and local responsibility as evident in 92% of the total elementary and secondary educational expenses being funded by non-Federal sources (U.S. Department of Education, 2016), at the signing of the Every Student Succeeds Act (ESSA) in 2015, President Barack Obama said: “With this bill, we reaffirm that fundamentally American ideal—that every child, regardless of race, income, background, the zip code where they live, deserves the chance to make of their lives what they will” (U.S. Department of Education, Every Student Succeed Act, para. 1). With this new version, a reauthorization of the 449 pages long, the Elementary and Secondary Education (ESEA) Act of 1965, aiming to better fulfill the U.S. Department of Education’s official mission: “to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access” (Mission section, para. 1), America is continuing a history of defining and redefining the issue of equal access and quality.

Historical Analysis

In the modern context of the Declaration of the Rights of the Child, where Principle 7 states that children are entitled to receive free and compulsory school-

ing (United Nations General Assembly, 1959), education is a human rights issue. Up until the Revolutionary War in 1775, however, Colonial Americans approached education as a private issue concerning literacy rooted only in the need to read and understand the Puritan Bible (Race Forward, 2006). After the war, public education slowly emerged, backed by wealthy businessmen, merchants, and artisans as a way to train the country’s population for the factories and ensure productivity and economic growth (Goldin, 1999; Race Forward, 2006). Education was publicly provided but still not publicly funded. When New York City Mayor DeWitt Clinton led a group of religious private citizens to form the New York Free School Society to provide free education for poor children in 1805, the legislature incorporated the group but funding came from members’ subscriptions and philanthropic donations (Philanthropy Roundtable, n.d.). From the perspective of equal access, the only two groups considered were the wealthy Whites and the poor Whites.

During the American Industrial Revolution (1820-1870), regardless whether it was a latent goal to use free public education to provide industries with a disciplined and obedient White work force (Race Forward, 2006), state public educational policies were being created with severe manifest disparities for non-White groups. As Massachusetts opened its first public high school in 1820 and in 1827 passed a law offering all students free education in all grades of public school (Race Forward, 2006), southern states were drafting laws to legally prohibit teaching to slaves (Goldin, 1999). In 1851, Massachusetts passed its first

compulsory education law to ensure the civilization of immigrants to prevent social upheaval (Race Forward, 2006). This law did not apply to non-Whites. In 1850, while the school enrollment rate for White children between the ages of 5 and 19 was almost 60%, that for non-White children of the same ages was close to zero (Goldin, 1999).

Free public education also has a history of being used to assimilate immigrants and non-White citizens to the Anglo-Saxon American identity. As early as 1864, Congress made it illegal for Native Americans to be taught in their native languages (Rethinking Schools, 2003). The large influx of European immigrants and their children from the late 19th to the early 20th century was met with a neglectful public education system whose primary goal was assimilation, where older immigrant children were submersed in English-only first grade regardless of age or placed in steamer classes that segregated immigrants from native students (de Jong, 2011). When the war with Mexico ended in 1848 with the Treaty of Guadalupe-Hidalgo, Mexicans in the ceded territory were to become American citizens as quickly as constitutionally possible so that they could enjoy all of the rights of citizenship (O'Rourke, 1998). In reality, schools for Mexicans in the Southwest were segregated with fewer resources and qualified teachers based on the ideology that Mexicans were inferior and disruptive to Anglo students (de Jong, 2011).

The American Civil War brought a legal end to slavery in 1865 and was followed by a brief Reconstruction Period during which African Americans worked

with White Republicans to rewrite state laws to guarantee free public education even though in practice White children benefited much more than did Black children (Race Forward, 2006). The legal educational segregation foundation laid during this period was cemented in 1896 when the Supreme Court ruled in *Plessy v. Ferguson* that separate but equal public spaces for Blacks and Whites were constitutional (McBride, 2006). During this period, the same “separate but equal” doctrine was persistently upheld by the state in legal battles between California and tax-paying Chinese immigrants who, prior to segregated public schools, were forced to send their children to private Chinese Language Schools or missionary schools (Kuo, 1998).

Remedies and Their Effectiveness – Past and Present

The U.S. Supreme Court provided the American public education system with an important tool to remedy the problem of unequal access when it ruled in *Brown v. Board of Education* in 1954 that segregated schools were inherently unequal and therefore violated the Equal Protection Clause of the Fourteenth Amendment (McBride, 2006). In this decision, Chief Justice Earl Warren defined public education in the 20th century as something so essential in a citizen's life that deprived of a good education, a child would be unlikely to succeed (McBride, 2006). The reversal of educational discriminations, however, was not a quick nor smooth process. In 1955, the Supreme Court issued the *Brown II* ruling that ordered states to integrate their public schools “with all deliberate speed” (emphasis in original, Linder, 2011, para. 28). Taking advantage of this

language, states resistant to integration deliberately delayed the process even with direct orders from federal courts on appeals. Elementary and secondary school desegregation enforcement was met with so much violent resistance in the South that federal law enforcement had to be deployed in Arkansas, Tennessee, Alabama, and Louisiana in the decade following *Brown v. Board of Education* (Teaching Tolerance, 2004). Twenty years later, progress was further complicated by the Supreme Court decision in *Milliken v. Bradley*, where it ruled that desegregation ordered in *Brown v. Board of Education* did not require any particular racial balance within schools or between school districts (Meinke, 2011). This decision led to the growing segregation that still exists today between inner-city schools with high percentages of low-income Black and minority students and suburban schools with a majority of wealthy White students. The Normandy School District of St. Louis, Missouri is the latest illustration of how state laws are used to stymie federal mandates of equal access to elementary and secondary education. In 2013, although the Missouri Supreme Court upheld a transfer law passed in 1993 that allowed students from failing, unaccredited public schools to transfer to higher performing districts, several deliberate legislative maneuvers were implemented to undo this ruling (Gibbons, 2016). Officials at the Missouri Department of Elementary and Secondary Education (DESE) renamed the school district “the Normandy Schools Collaborative” and with that name change claimed the “new” district was now non-accredited instead of unaccredited (emphasis in original, Gibbons, 2016, para. 5). Furthermore, state officials decided that public school transfer students

would receive only \$7,200 in public funding, knowing well that wealthier districts were charging more than this amount to accept transfers.

Parallel to solutions to ensure equal access, the federal government also issued laws to ensure quality education. In 1965, President Lyndon Johnson created the Head Start Program to promote school readiness for low-income children by offering programs and services that foster their physical, social, emotional, and cognitive development for kindergarten (Hudson, 2015). Also on his War on Poverty agenda was the 1965 Elementary and Secondary Education Act (ESEA) that was to fund elementary and secondary education emphasizing equal access, high standards, and accountability (Social Welfare History Project, 2016). This cornerstone law has been amended and reauthorized many times since its inception to address the educational needs of refugees (Title II), students with disabilities (Title VI), gifted students (Title VIII), and Native Americans (Title V). The Title I provision of the ESEA, however, has received the most attention of lawmakers because it accounts for a large portion of funding authorized (Social Welfare History Project, 2016). In 1994, there was a major revision to the ESEA in the form of the Improving American’s Schools Act (IASA) that added math and language arts standards to assess student achievement, lowered the poverty threshold for school wide program implementation, and increased local control so that federal requirements interfering with school improvements could be waived (Social Welfare History Project, 2016).

School improvement, however, was not easy to measure because there were no national standards or examinations. By the end of the 20th century, compared to the rest of the developed world, U.S. schools seemed to be lagging in quality for the bottom half of the students (Goldin, 1999). The No Child Left Behind (NCLB) Act of 2002 reauthorized ESEA to address these academic achievement disparities in the elementary and secondary public education system by requiring states to develop teaching standards, assess to see if students are meeting those standards, and implement institutional accountability mechanisms to ensure all students achieve those standards (Lagana-Riordan & Aguilar, 2009). Yearly standardized tests were now mandated, failures punished, and cookie-cutter interventions prescribed (Social Welfare History Project, 2016), encouraging states to lower standards, hold back or push out minority students who may lower school test scores, or cheat to meet expectations (Bidwell, 2015; Lagana-Riordan & Aguilar, 2009).

When the ESEA was reauthorized in 2015 under its current name, the Every Student Succeeds Act (ESSA), its failure was immediately prophesized, citing problems in implementation and the regulatory processes that would dwarf its intentions (Nehring, 2016). Nehring echoed the concerning effects of what Waitoller and Thorius (2015) argue as “the US education policy [being] dominated by accountability- and market-driven policies” (p. 26). These policies affect Black and minority students more disproportionately and therefore without addressing other aspects of educational achievements such as racism, poverty, school

environments and resources, and personal and family characteristics (Lagana-Riordan & Aguilar, 2009), the American elementary and secondary public school system will remain with disparities.

Conclusion

On the national political stage, President Trump is proposing a plan that slashes more than 13% of the Department of Education’s budget while diverting federal funding away from public education and into private school choice vouchers and charter schools (Litvinov, 2017). Ironically, the Republican opposition to President Obama resulted in the ESEA reauthorization of 2015, reducing federal overreach in education and shifting control of education programs away from the secretary of education to the states (Campbell, 2017). In the 2016 election, Massachusetts and Georgia voters rejected the expansion of charter schools, while California voters expanded access to bilingual education (Brown, 2016). Thus, while the American public school system will face tremendous financial stress that may compound preexisting educational disparities, state and local policymakers as well as stakeholders in public education can still advocate for equitable reforms without further marginalizing vulnerable populations.

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